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A C T S
A N D
ORDINANCES
O F T H E
General Assembly
O F T H E

State of South-Carolina:

Passed February 20th, 1790.



Charleston: Printed for A. TIMOTHY, Printer to the State. 1790.





AN ACT

For raising Supplies for the Year 1790.

WHEREAS we, the representatives of the free and independent State of South-Carolina, in General Assembly met, have thought it expedient and necessary, that a tax for the sums, and in manner herein mentioned, should be assessed, raised and paid into the Public Treasury of this State, for the use and service thereof:

I. Be it therefore enacted by the honorable the Senate and the honorable House of Representatives, now met and sitting in General Assembly, and by the authority of the same, THAT the sum of eight shillings and nine-pence per centum ad valorem, on every hundred pounds, to be paid in specie, or paper medium, shall be and is hereby imposed on all lands granted within this State, and in the manner and under the several regulations herein after set forth, and expressed, that is to say,

No. I.

All tide swamp, not generally affected by the salts, or freshes, of the first quality, shall be rated at six pounds per acre.

Of the second quality, four pounds per acre.

Of the third quality, two pounds per acre.

All pine barren lands adjoining such swamps, or contiguous thereto, with respect to the benefit of water carriage, at ten shillings per acre.

All prime inland swamp, cultivated and uncultivated, at an average of three pounds.

Second quality ditto, two pounds per acre.

Third quality ditto, one pound per acre.

Pine barren lands adjoining, or contiguous thereto, at five shillings per acre.

Salt marsh, or inland swamp, clearly proved to the assessors to be incapable of immediate cultivation, five shillings per acre.

No. II.

High river swamp, or low grounds, cultivated and uncultivated, including such as are commonly called second low grounds, lying above the flowing of the tides, and as high up the country as Snow-Hill on Savannah-river, the Fork of Broad and Saluda-rivers, on the Congarees, Graves's Ford on the Wateree, and the Boundary Line on Peegee.

The first quality, at three pounds per acre.

The second quality, at two pounds per acre.

The third quality, at one pound per acre.

Except such as lie so low as to be clearly proved to the assessors to be incapable of immediate cultivation, which shall be assessed at five shillings per acre.

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No. III.

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No. III.

All high river swamp, or low grounds, lying above Snow-Hill, the Fork of Broad and Saluda-rivers, Graves's Ford, and the old Indian Boundary Line, ~~fifteen shillings~~ per acre.

No. IV.

All high lands without the limits of St. Philip's and St. Michael's parishes, on John's-Island, James's-Island, and on the Main, within twenty miles of Charleston, at one pound per acre.

No. V.

All lands on the Sea-Islands, Slann's-Island included, orlying on or contiguous to the Sea Shore, usually cultivated, or capable of cultivation, in corn or indigo, not within the limits prescribed in Clas No. 4, one pound per acre.

No. VI.

All oak and hickory high land, lying below Snow-Hill, the Fork of Broad and Saluda-rivers, Graves's Ford, or the Boundary Line on Pedee, and not included in the limits or description of the two preceding Clases No. 4 and 5, at fifteen shillings per acre.

No. VII.

All pine barren lands, not included in No. 1, 4, or 5, to be affested at one shilling per acre.

No. VIII.

All oak and hickory high lands lying above Snow-Hill, the Fork of Broad and Saluda-rivers, and Graves's Ford;

The first quality, eight shillings per acre.

The second quality, five shillings per acre.

The third quality, two shillings per acre.

No. IX.

All oak and hickory high lands, above the Old Indian Boundary Line;

The first quality, six shillings per acre.

The second quality, three shillings per acre.

The third quality, one shilling per acre.

That all lands within the Parishes of St. Philip and St. Michael, shall be affested in the same manner, and upon the same principles, as houses and lots in Charleston, and in a relative proportion to lands in the country.

Negro and
land tax,
&c.

II. That the sum of two shillings and eleven-pence per head, shall be levied on all slaves; two shillings and eleven-pence per head on all free Negroes, Mulattoes and Mustizoes, between the ages of 16 and 50 years; two shillings and eleven-pence on every wheel of all carriages, (carts, waggons, and drays excepted), and eight shillings and nine-pence on every one hundred pounds value of all lands and lots, and buildings, within any city, village or borough, and on every hundred pounds stock in trade, factorage em- ployments,

ployments, faculties and professions (clergymen, mechanicks, school-masters and school mistresses excepted) to be ascertained and rated by the aforesaid assessors and collectors, throughout this state, according to the best of their knowledge and information, to be paid in specie or paper medium of this state.

III. And be it further enacted by the authority aforesaid, That all negroes, or other slaves, who are employed on any lands leased by any person or persons of the Catawba Indians shall be, and they are made liable to the payment of this tax.

IV. And be it further enacted by the authority aforesaid, That the enquirers, assessors and collectors, appointed by law, shall, for their services, in the discharge of their duties, receive, on closing their accounts with the commissioners of the treasury, four per cent. except for the parishes of St. Philip and St. Michael, who shall receive two per cent. on the amount of the taxes by them collected, to be allowed and paid to the several collectors aforesaid.

V. And be it further enacted by the authority aforesaid, That no member of the legislature, while he continues such, shall be a tax collector.

VI. And be it further enacted by the authority aforesaid, That the enquirers, assessors, and collectors, shall begin their enquiry on the first day of October next, and that when all the collectors that were appointed for any parish or county, are dead, and the tax returns not closed with the commissioners of the treasury, the collector who shall be thereafter appointed, is hereby directed and ordered to demand receipts, or to administer an oath, or to procure other satisfactory proof from the persons of the county or parish that he or they had paid their taxes for the preceding years, in order to discover their taxes still due, and to enable the public to ascertain what sums of money are due by the estate of the deceased collectors: and should the executor or administrator of the deceased collectors refuse to produce the accounts of the deceased, or give information on the subject, the commissioners of the treasury are hereby ordered to put the law in force against the estates of the deceased collectors.

VII. And be it further enacted by the authority aforesaid, That the said assessors and collectors appointed by law, shall do and perform all and singular the duties appertaining to their office, as described in an act, entitled, "An Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and other persons concerned therein."

VIII. And be it further enacted by the authority aforesaid, That the commissioners of the treasury are hereby directed to furnish copies of this act to each of the assessors and collectors, by law appointed, throughout this state, within three months after passing of this act, and their reasonable expences incurred thereby, shall be reimbursed.

XI. And be it further enacted by the authority aforesaid, That all persons any-wise liable to pay the taxes hereby imposed, shall pay in their taxes to the assessors and collectors, by law appointed, to receive the same, on or before the first day of February 1791, and that the said assessors and collectors, shall pay in the same, and settle their accounts with the treasury, on or before the first day of April 1791; any law, usage, or custom, to the contrary thereof, in any-wise notwithstanding.

X. And be it further enacted by the authority aforesaid, That an act, entitled an act to encourage the destroying beasts of prey, passed the 11th of March 1786, be and the same is hereby repealed.

In the Senate House, January 20th, A. D. 1790, and in the 14th year of the Independence of the United States of America.

DANIEL DESAUSSURE,

President of the Senate.

JACOB READ,

Speaker of the House of Representatives.

Enquirers to
begin enquiry
1st October,
&c.

Collectors to
begin enquiry
1st October,
&c.

Their duty.

Com'rs of the
Treasury to
furnish copies
of this act.

Taxes payable
by February 1,
1791, and the
sums to be
paid into the
treasury by 1st
April follow-
ing.

Act for de-
stroying beasts
of prey 1786,
repealed.

(4)

*ESTIMATE of SUPPLIES wanted for the
Support of Government for the year 1790.*

Estimate of Supplies for 1790.	£. god
His Excellency the Governor's Salary,	1,000
That for the present year it is only necessary to provide.	
For two Judges of the General Sessions and Common Pleas £.500 each. (as one of the three judges is absent in the Congress of the United States)	1,000
Attorney-General, — — — — —	100
Secretary to the Governor and Clerk to the Privy Council, — — — — —	150
Auditor of Public Accounts, — — — — —	379
His Clerk — — — — —	140
Two Commissioners of the Treasury, — — — — —	671 8 8
Their Clerks — — — — —	400
Clerk of the Senate, — — — — —	887
Clerk of the House of Representatives, — — — — —	887
Two Messengers, one for each House, at 70l. each, — — — — —	140
Two Door-Keepers, one for each House, at 50l. each, — — — — —	100
Powder Inspector and Arsenal Keeper — — — — —	100
For two Judges of the Court of Chancery, each 500l. — — — — —	1000
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	£.



INCIDENTAL CHARGES.

Incidental charges.	£. god
Contingent Fund, to be subject to the Governor's Drafts, — — —	1,000
For the transient Poor, — — — — —	1000
Pensions, Annuities, and Arrears of Annuities, — — — — —	4000
Printer's Bill, — — — — —	500
Maintenance of the Post at Fort Johnston, until Congress shall assume the maintenance thereof at the rate of 260l. per annum.	260
Court-House at Camden, — — — — —	700
Gaol at Ninety-Six, and Wall round the same, — — — — —	1,000
Repairs of Gaol, and for building a Wall round the same at Cam- den, and to build out-houses, — — — — —	500
For repairs of Gaol of Orangeburgh district—at Orangeburgh, and to build a wall round the same, — — — — —	500
To the Commissioners for erecting the Public Buildings at Columbia to procure a proper person to take care of the said build- ings.	80
For building a Brick Gaol for Beaufort District, Coosawhatchie, and a wall round the same, — — — — —	800
Contingent Fund, for payment of the Resolutions of the Legisla- ture, — — — — —	4000
Expences of the Convention to assemble at Columbia in May next 5000	<hr/>
	£.

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*An Act to prevent Suits for the Recovery of Real Estates
being barred by the Act of Limitation, until the 26th
day of March, 1791.*

WHÈREAS it is expedient and necessary to suspend the operation of the Limitation Act to a further period,

BE IT ENACTED by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That no person, who, on the 26th day of March next, would be barred by, or for want of prosecution, from recovery of any lands, or real estate, shall be barred on that day, but, that every such person shall be barred on the 26th day of March, one thousand seven hundred and ninety-one.

*In the Senate House, January 20, A. D. 1790, and in the 14th year
of the Independence of the United States of America.*

DANIEL DESAUSSEUR,

President of the Senate.

JACOB READ,

Speaker of the House of Representatives.

An Ordinance to do Justice to James Burn.

WHÈREAS it is just and right to make compensation to James Burn, for the property belonging to him, which was confiscated by an Act passed at Jacksonborough on the 6th February, 1782; AND WHEREAS sundry persons purchased the said property from the commissioners of forfeited estates, and have much improved the same, and which were the same restored, might involve the former proprietor, and the present possessors, in contests and difficulties;

BE IT THEREFORE ORDAINED by the honorable the Senate and House of Representatives of the State of South-Carolina, now met and sitting in general assembly, and by the authority of the same, That his Excellency the Governor, be and he is hereby authorised to appoint three commissioners to value the said property, (regard being had to the situation of the same when sold), and to make return to him, on oath, of such valuation; and that he direct the treasurers to give unto the said James Burn, a particular indent, or indents, for the said valuation, with interest thereon from the day of sale, payable in four equal annual instalments, the first payment to be made on the first day of March, 1791; and the said indent or indents to be received in the treasury in payment of all money taxes, which may become due during the years 1791, 1792, 1793, and 1794, (except such funds arising from such taxes as are appropriated to the payment of the foreign debt of this state).

*In the Senate House, January 20, A. D. 1790, and in the 14th year
of the Independence of the United States of America.*

DANIEL DESAUSSEUR,

President of the Senate.

JACOB READ,

Speaker of the House of Representatives.

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An Ordinance to incorporate a Society, for the purpose of raising and securing a Fund for the relief of the Widows and Children of the deceased Presbyterian Ministers belonging thereto.

Preamble.

WHEREAS it has been represented by the Reverend James Gourlay, William Knox, Thomas Cooley, and James Wilson, in consequence of a public vote of their respective churches, as set forth in their petition to the General Assembly, that it would tend greatly to the promoting of religion and virtue among them, by encouraging pious and able men to devote themselves to the Ministry of the Gospel, if some certain provision were made for the widows and children of deceased ministers, and praying that they may be incorporated, as a Society, for the purpose of raising and securing a fund, for the relief of the widows and children of the deceased Presbyterian Ministers belonging thereto; and that they might have all the privileges usually annexed to such an incorporation:

I. Be it therefore Ordained by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Reverend James Gourlay, William Knox, Thomas Cooley, and James Wilson, and the Churches of which they are the Ministers, viz. The Presbyterian Church of the city of Charleston, the Presbyterian Church of Edisto-Island, the Presbyterian Church of Black-mingo, and the Independent Presbyterian Church of Prince-William's, and they are hereby declared to be, one body corporate in deed and in name, by the name of the Presbytery of Charleston; and by the said name, shall have perpetual succession of officers and members, and a common seal, with power to change, alter, break, and make new the same, as often as the said Corporation shall judge expedient. And the said society, and its successors, shall be able and capable in law, to purchase, have, hold, receive, enjoy, possess, and retain to itself, and its successors, in perpetuity; or for any term of years, any estate or estates, lands, tenements, or hereditaments, of what kind or nature soever; and to sell, alien, exchange, demise, or lease the same, or any part thereof, as it shall think proper; and to take and hold to itself and its successors for ever, any charitable donations or demises, of what nature soever they may be, which donations and demises shall form part of the fund of the society; and by its said name to sue and be sued, implead and be impleaded, answer and be answered unto, in any court of law or equity in this state; and to make such bye-laws, not repugnant and contrary to the laws of the land, for the benefit and advantage of the said society, and for the order, rule, good government and management thereof, as shall from time to time, be agreed upon by a majority of the members of the said corporation.

II. And be it further ordained by the authority aforesaid, That an annual meeting of the corporation shall be held, in the city of Charleston, on the third Wednesday of May every year; and the minister of each of the churches, of which the society is or shall be composed, shall always be, *ex officio*, a member of the corporation; and, before said annual meeting every year, each church shall chuse an elder, or other fit person, to sit along with their minister, as their representative in the corporation, for one year: And when any church, of which the society is or shall be composed, shall become vacant by the death of their minister or otherwise,

Presbyterian
Churches in-
corporated.

Places parti-
cularized.

To be a body
corporate, &c.
and to have a
common seal.

Succession of
Officers.

Able to pur-
chase, &c.

To sell, &c.

To sue and
be sued, &c.

To make bye-
laws.

Meeting when
held.

wife, the person who may be chosen by said vacant church for their Pastor, shall not be a member of the corporation, until he be regularly ordained, (or if already a minister, until he be installed) by the Presbytery, after having produced to them satisfactory credentials of his having been ordained agreeable to the Presbyterian form of ordination, and of his sustaining a good character: And no minister whatever shall be capable of becoming a member of the society, until he shall be regularly elected and called, agreeable to the constitution of this state, by one of the churches of which this society is or shall be composed, to be the stated officiating Pastor or Minister thereof.

Pastors not regularly organized, excluded.

III. And be it further ordained by the authority aforesaid, That each church of this corporation shall, at its first annual meeting, make choice of, and pay into the fund of the society, one of the five following rates, viz — Three pounds, six shillings, and eight-pence; five pounds; six pounds thirteen shillings, and four-pence; eight pounds, six shillings, and eight-pence; or ten pounds, lawful money of this state, to entitle to the corresponding annuity of twenty pounds; thirty pounds; forty pounds; fifty pounds: or, sixty pounds, money aforesaid: And each church shall pay, or cause to be paid, the said rate, to the corporation, every year, at the annual meeting thereof; and in case the rate of any church be not paid on that day, then the corporation shall charge legal interest thereon until paid: and no church shall have power to alter, or change the rate first chosen by them, during the lifetime of their minister, or his continuing their Pastor: Provided always, That each church, of which this corporation is or shall be composed, shall have full power, at their election of every new minister, to chuse which of the five rates they will pay for him during his ministry, but shall have no power afterwards to alter, or change this their choice, while he lives or continues their Pastor.

Rates payable at annual meetings.

IV. And be it further ordained, That in case the minister of any of the churches, of which this society is or may be composed, shall leave his church, or be displaced therefrom, he shall thereupon cease to be a member of the corporation, and be cut off from all the privileges of its fund; unless the said minister sustain a good character, and shall pay, or cause to be paid, every year of his life, to the corporation, the same rate which his church was bound to pay for him; in which case he shall continue to be a member of the society, and his widow and children shall be entitled to, and receive, the same annuity as if he had died the pastor of a church of this corporation.

Minister leaving church &c. cut off from privileges.

Proviso.

V. And be it further ordained by the authority aforesaid, That when the minister of any church of this society shall die, his widow, or child, or children shall receive, annually and every year, the annuity corresponding to the rate paid by said church, to be computed as commencing from the day of his decease, and to be paid without any deduction whatever; and no widow or child shall receive any annuity or money from the fund, until the rates due by the church of the deceased minister, with the interest due thereon, be fully paid to the society; and all annuities shall be payable at the annual meeting of the corporation, and if not paid on that day, shall bear legal interest, until fully discharged: Provided always, That if any widow, or child, or children shall neglect to demand their annuity, at the annual meeting of the society, either personally, or by some one legally authorised to receive it, and the treasurer of the society shall certify thereto, that the money is ready to pay said annuity; then and in that case the said annuity shall be paid by him, when duly demanded, without any interest whatever thereon.

Allowances to widows and children.

Proviso.

Widows of Deceased ministers, leaving no children, to receive an annuity during widow-hood, &c.

VI. And be it further ordained by the authority aforesaid, That when the deceased minister shall leave a widow, but no child, she shall receive the annuity during her widow-hood, reserving to the corporation, in case of her marrying again, full power to determine what proportion of her annuity she shall afterwards receive; and, on the day of her death, the annuity shall cease and determine. And when the deceased minister shall leave a widow, and a child, or children, the widow, and child, or children jointly, shall receive the annuity during her widow-hood; but in case of her marrying again or death, she shall be entitled to no part of the annuity; and the whole annuity shall be paid, after the day of marriage or decease of the widow, to the child or children, until the said child or children shall have arrived at the age of eighteen complete, or shall be married, or shall die, at which time the annuity shall cease and determine. And when the deceased minister shall leave no widow, but a child, or children, the child or children shall receive the annuity, the same as a widow, until the said child or children shall have arrived at the age of eighteen complete, or shall be married, or shall die, at which time the annuity shall cease and determine. And when the deceased minister shall leave no widow nor child, no money shall be paid, on his account, out of the fund.

Corporation to receive members, &c.

VII. And be it further ordained by the authority aforesaid, That the corporation shall have full power to receive, as a member of this society, any church of the Presbyterian denomination, which has already been incorporated, or which shall hereafter be incorporated, by the General Assembly of this state, agreeable to the constitution thereof, upon application from said church to the corporation, and said church, when so received, shall be, to all intents and purposes, a member of this society, as fully as if their name were expressed in this act; and shall chuse, at the time of their admission, and pay into the fund, one of the five rates above specified, and be subject to the same regulations, and enjoy the same privileges, as any other church of the society.

Churches have liberty of withdrawing, &c.

VIII. And be it further ordained by the authority aforesaid, That every church, of which this society is or may hereafter be composed, shall have full liberty of withdrawing itself therefrom, whenever it shall appear expedient to a majority of the members thereof to withdraw, and said church shall thereupon cease to be a member of the society, and be cut off from all the privileges of its fund: And the corporation shall have full power to exclude any of the churches thereof, which shall, for three years, refuse to pay their annual rate, or to observe the bye-laws of the society, and said church, when so excluded by a majority of the members of the corporation, shall cease to be a member thereof, and be cut off from all the privileges of its fund; and said withdrawn or excluded church shall be incapable of becoming again a member of the society, except at their election of a new minister: Provided always, That the widow, or child, or children, of the deceased minister or ministers of the withdrawn or excluded church, which shall be upon the fund before the withdrawing or exclusion, shall be entitled to, and receive, the same annuity as if no such withdrawing or exclusion had taken place.

Public Act.

IX. And be it further ordained by the authority aforesaid, That this Ordinance shall be deemed and taken as a public law, and notice shall be taken thereof in all courts of justice, and elsewhere, in this state, and it shall be given in evidence, in the trial of any issue or cause, without special pleading.

In the Senate House, January 20th, A. D. 1790, and in the 14th year of the Independence of the United States of America.

DANIEL DESAUSSURE,

President of the Senate.

JACOB READ,

Speaker of the House of Representatives.

An Act to authorise the Secretary of the State to deliver to Robert Harris, the Will of Simpson Harris.

WHEREAS it hath been represented to the Legislature, by Robert Harris, of Harrisburgh, in the state of Pennsylvania, that a paper recorded in the Secretary's Office, purporting to be the original will of Simpson Harris, is a perjury, and that the witnesses and parties interested in developing the same, reside without the limits of the state;

Be it therefore Enacted by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same, That the Secretary of the State be, and he is hereby authorised and directed, to deliver to Robert Harris, of Harrisburgh, in the state of Pennsylvania, the said paper, purporting to be the original will of Simpson Harris, after duly recording in his office a copy of the same, to the said Robert Harris, paying the customary fees of recording.

In the Senate House, January 20, A. D. 1790, and in the 14th year of the Independence of the United States of America,

DANIEL DESAUSSURE,

President of the Senate.

JACOB READ,

Speaker of the House of Representatives;

An Ordinance to amend and carry into effect, an Act, entitled. "An Act to procure a Census of the free white inhabitants of this state, and for regulating the Taxable Property in this state."

WHEREAS the act, entitled, "an act to procure a census of the free white inhabitants of this state," ratified the 29th day of February, A. D. 1788, is defective, and inadequate to the views and purposes thereof, to remedy which;

I. Be it ordained by the honorable the Senate and House of Representatives of the State of South-Carolina, now met and sitting in general assembly,

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Preamble;

Commanding bly, and by the authority of the same; That the commanding officer of every regiment throughout this slate, shall, within one month after the passing of this ordinance, issue out his orders to the several captains or other officers commanding companies of their respective regiments, requiring them, and each of them, to take, or cause to be taken, an exact enumeration of all the free white inhabitants of the said slate, (other than and excepting aliens), distinguishing their sexes, and remarking the number of males between the ages of 16 and 50, dwelling within the circle of their respective beats or companies, within one month from the time such orders shall be issued, and every captain or other officer commanding any company, shall, for the above purpose, require the attendance or assistance of any subaltern officer, clerk, or serjeant, and all or any of them, of his company, as he may think proper, who shall give such attendance and assistance.

Heads of families to render accounts of the same.

II. And be it also ordained by the authority aforesaid, That each and every householder, or head of a family, male or female, shall within eight days after notice or requisition had and made, deliver or cause to be delivered unto the captain or other officer, appointed to receive the returns respectively as aforesaid, an exact account or enumeration of all such free persons as may compose his or her family, or live in his or her house, other than and except aliens, distinguishing their sexes, and mentioning the number of males between the ages of 16 and 50, as aforesaid, and shall make oath that the account or enumeration by him or her so made is just and true, either before some justice of peace, or before the captain or other officer or clerk of the company appointed to receive the respective returns, who is and shall be hereby empowered to administer the same.

Captains to make returns.

III. Be it also ordained by the authority aforesaid, That the captains or other officers commanding companies, within fifteen days after the time prescribed for taking and receiving the accounts and enumerations of the householders or heads of families in manner above directed, shall respectively return the same to the commanding officers of their respective regiments, and shall make oath before some magistrate or justice of the peace, that the returns so by them made respectively, are just and true, according as the said returns and enumerations may have been taken by, or delivered unto them,

General return.

IV. Be it further ordained by the authority aforesaid, That the colonels or other officers commanding regiments, respectively make out general returns from those made and delivered to them by their captains or other officers as aforesaid; and shall certify upon oath, (such oath to be made before some magistrate or justice of the peace), that the general returns so by them made, are just and true, according to those made and delivered unto them by their respective captains or other officers, and shall deposit, or cause the same to be deposited in the secretary's-office of this slate, on or before the tenth day of May next.

Penalty.

V. Be it further ordained by the authority aforesaid, That every colonel or commanding officer, who shall neglect or refuse the duties prescribed and enjoined on him by this act, shall be liable to the penalty of one hundred pounds. And every captain or other officer commanding a company, who shall neglect or refuse to execute and discharge the duties prescribed and enjoined to him, shall be liable to the penalty of twenty pounds. And every subaltern clerk or serjeant, who shall neglect or refuse to discharge the duty prescribed and enjoined to him, shall be liable to the penalty of ten pounds. And every householder or head of a family, who shall after due notice and requisition as aforesaid, neglect or refuse to deliver an account and enumeration

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tion of his or her family as above directed, shall be liable to the penalty of five pounds; all which several penalties shall be recoverable by action of debt, to be brought by the county attorney, where county courts are established, and by the attorney general in the districts where no county courts are established.

AND WHEREAS an exact knowledge of the taxable property of the State, is also necessary for ascertaining a just and adequate representation;

VI. Be it therefore ordained by the authority aforesaid, That the commissioners of the treasury and the auditor general be, and they are hereby directed, on or before the tenth day of May next, to ascertain the taxable property within the different parishes, election districts and counties of this state, from the tax returns to be procured, as is herein-after directed, separating from each return the property that has been included therein, by any person or persons resident in other parishes, districts or counties, and placing it to the particular account of each parish, district or county, in which such property may be actually situated, distinguishing in columns the value of lands, number of slaves, and other species of taxable property; and previous to their entering on the execution of the duty hereby enjoined them, they shall take an oath before his Excellency the Governor of the state, or the commander in chief for the time being, for the diligent and faithful execution thereof.

Taxable property to be ascertained.

AND to enable the said commissioners of the treasury and auditor general, to carry this part of the ordinance into effect;

VII. Be it therefore ordained by the authority aforesaid, That the commissioners of the treasury be, and they are hereby required, to demand from the respective collectors of this state, a just and true account, to be rendered by the fifteenth day of April next, on oath, of the taxable property returned for the year 1789, within their and each of their respective districts, together with a specification of the Parish, county or district, where the said property actually lies, as far as the same can be by them ascertained: and every collector who shall make default, shall be liable to the penalty of one hundred pounds, to be recovered in manner herein directed.

Account to be delivered &c.

In the Senate House, January 20, A. D. 1790. and in the 14th year of the Independence of the United States of America.

DANIEL DESAUSSE, President of the Senate.

JACOB READ, Speaker of the House of Representatives.



An Ordinance for incorporating the Baptist Church on Horn's creek, in Edgefield county, in Ninety-Six district.

WHEREAS Hezekiah Walker, John Frazier, and Samuel Walker, Preamble, and several other members of the Baptist church, on Horn's creek, in

in Edgefield county, in the state of South-Carolina, did, by their petition, set forth, that they had subscribed in a book, for that purpose, the articles directed in the constitution of this state, thereby praying to be established and incorporated in a religious society, under the name of the Baptist church, on Horn's creek, in Edgefield county, in the state of South-Carolina;

I. Be it therefore ordained by the honorable the senate and house of representatives, now met and sitting in general assembly, and by the authority of the same, That the said society, and the several persons who now are, or shall hereafter be members of the same, their successors, officers and members thereof, shall be, and they are hereby declared to be, one body corporate, in deed and in name, by the name of the Baptist church, on Horn's creek, in Edgefield county; and by the said name, shall have perpetual succession of officers and members, and a common seal, with power to change, alter, break and make new the same, as often as shall be judged expedient; and the said corporation shall be able and capable in law, to purchase, have, hold, receive, enjoy, possess and retain, to it and its successors, in perpetuity, or for any term of years, any estate or estates, lands, tenements, or hereditaments, of what nature or kind soever; and to sell, alien, exchange, demise or lease the same, or any part thereof, as shall be thought fit and proper by a majority of the members of the said corporation; and by the said name to sue and be sued, in plead and be impleaded, answer and be answered unto, in any court of law or equity in this state; and to make such rules and bye-laws, not repugnant and contrary to the laws of the land, for the benefit and advantage of the said corporation; and for the order, rule, good government and management of the same, and for the election of ministers and their maintenance, out of any funds belonging to the said society, and for the building or repairing their church, out of any such funds, and ascertaining the rents which shall be paid by the pew-holders therein, in such way and manner as shall be agreed upon from time to time by a majority of the members of the said society.

Society to be
one body cor-
porate.

Succession of
officers, and
to have a com-
mon seal.

To possess e-
states.

To sell the
same, &c.

To sue and be
sued.

To make rules
and bye-laws.

To hold cha-
ritable dona-
tions.

To retain
lands, &c.

Public A&C.

11. And be it further ordained by the authority aforesaid, That it shall and may be lawful for the said corporation hereby created, to take and hold to it and its successors for ever, any charitable donations or devises of lands and personal estates, and to appropriate the same for the benefit of the said corporation, in such manner as may be determined on by a majority of the members thereof, and to appoint and choose, and to displace, remove and supply such ministers, officers, servants, and other persons to be employed in the affairs of the said corporation, and to appoint such salaries, perquisites, or other rewards for their labours and services therein, as a majority of the members thereof shall from time to time approve of or think fit.

III. And be it further ordained by the authority aforesaid, That the said corporation shall be, and the same is hereby declared, able and capable in law, to have, hold, receive, enjoy and possess, and retain all such other estates, real and personal, monies, goods, chattels and effects, which the said corporation is now possessed of, or intitled unto, or which hath been already given, devised, or bequeathed to the same, by whatever name such devise or bequeath may have been made.

IV. And be it further ordained by the authority aforesaid, That this ordinance shall be deemed and taken as a public law, and notice shall be taken thereof in all courts of justice and elsewhere in this state, and shall be given in evidence on the trial of any issue or cause, without special pleading.

In the Senate House, January 20th, A. D. 1790, and in the 14th
year of the Independence of the United States of America.

DANIEL DESAUSSURE,

President of the Senate.

JACOB READ,

Speaker of the House of Representatives

*An Act for ceding to and vesting in the United States, the
Light-House on Middle-Bay Island, within the Bar of
Charleston Harbour.*

WHEREAS in and by an act, entitled, "An act for the establishment Premit.
and support of light-houses, beacons, buoys and public piers, passed
the 7th day of August, A. D. 1789, it was enacted by the Senate and House
of Representatives of the United States in Congress assembled," That all ex-
pences which should accrue from and after the 15th day of August aforesaid,
in the necessary support, maintenance and repairs of all light-houses, bea-
cons, buoys and public piers, erected, placed or sunk, before the passing of
the said act, at the entrance of or within any bay, inlet, harbour or port of
the United States, should be defrayed out of the treasury of the United States,
upon the proviso, that none of the said expences should continue to be so
defrayed by the United States, after the expiration of one year from the day
last aforesaid, unless such light-houses, beacons, buoys and public piers,
should be, in the mean time, ceded to and vested in the United States, by the
state or states respectively, in which the same may be, together with the lands
and tenements thereto belonging, and together with the jurisdiction of the
same: AND WHEREAS it is expedient to cede to and vest in the United
States for the purposes and upon the terms following: the light-house situate
on Middle-Bay island, within the Bar of Charleston harbour, bounded to
the north by a small inlet passing between the said island and Morris's island,
to the south by an inlet called the Folly, to the east by the Atlantic ocean,
and to the west by a sound or creek passing between the said Middle-Bay island
and the other islands aforesaid, together with the lands and tenements there-
unto belonging, and together with the jurisdiction of the same;

I. Be it therefore enacted by the honorable the Senate and House of Re-
presentatives, now met and sitting in general assembly, and by the authority
of the same, That the said light-house, with the lands and tenements there-
unto belonging, or appertaining, together with the jurisdiction of the same,
as far as the same shall be incident and essential for the erection of forts, ma-
gazines, arsenals, dock yards, and other needful buildings, and the appoint-
ment of officers and general regulation of the said light-house, forts, maga-
zines, arsenals and dock yards, from and after the passing of this act, shall be
and is hereby ceded to, vested in, and assured unto the United States abso-
lutely, and as of their demesne in fee simple, in as full, ample and effectual
manner, as the premises could be granted, aliened, transferred, conveyed and
confirmed by any deed or device, in due form of law, upon the special pro-
viso and condition, nevertheless, that the said United States shall sufficiently
support, maintain and keep in good repair, and rebuild, when necessary, the
said light-house, from time to time, and at all times hereafter, and shall also
Provis.
erect,

Light-House,
&c. vested in
the U. States.

erect, or cause to be erected, proper leading marks, to and for, or as append-
ing to the said light-house, and cause buoys to be stationed in fit places, for
the further and better facilitating and securing the navigation, and that all
expences which may have accrued since the said 15th day of August afore-
said, or which shall accrue in, for and about the said light-house, or the lead-
ing marks and buoys abovementioned, shall be defrayed out of the treasury
of the United States:

AND WHEREAS divers expences already incurred on account of the
said Light-house yet remain unpaid and unsatisfied; and whereas the fund
for defraying the same, that is to say, the tonnage imposed on shipping, is
yielded to the United States.

II. Be it enacted by the authority aforesaid, That the above cession and
transfer of the said light-house, with the appurtenances, is made liable to the
further condition and proviso, that the said expences, as far as the same may
be supported by proper vouchers, shall also be defrayed out of the treasury
of the United States.

In the Senate House, January 20th, A. D. 1796, and in the 14th
year of the Independence of the United States of America.

DANIEL DESAUSSURE,
President of the Senate.

JACOB READ,
Speaker of the House of Representatives.

*An Ordinance for adding another Inspector of Tobacco for,
the Inspection at Campbell's Ware-House, Falmouth, and
Adams's Ferry.*

WHEREAS by an Act, entitled, " An Act for regulating the Inspection and Exportation of Tobacco, and for other purposes therein mentioned," it is enacted, that only two inspectors shall be appointed for the inspections at Campbell's ware-house, Falmouth, and Adams's ferry; and it appears from the petition of sundry inhabitants and tobacco planters in the district of Ninety-Six, that it would be of great advantage and convenience to them to have separate inspectors appointed for each of the said inspections;

Be it therefore ordained by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same, That Arthur Simkins, Esquire, John Martin, John Hammond, of Cambellton, Nathaniel Bacon, and Fields Perdue, be and they are hereby appointed commissioners; and they, or a majority of them, shall have full power and authority to appoint an inspector of tobacco for each of the said inspections, to attend at the said inspections in such manner, and at such times, as the said commissioners, or a majority of them, shall direct and appoint; and that the said commissioners shall have the same powers, and the said inspectors shall have such salaries as the said commissioners, or a majority of them, shall appoint; and the said inspectors shall perform the same duties, and give the same security, and be liable to the same penalties, as other

other county commissioners and inspectors are entitled or liable to by the said act.

In the Senate House, January 20th, A. D. 1790, and in the 14th year of the Independence of the United States of America.

DANIEL DESAUSSEURE,

President of the Senate.

JACOB READ,

Speaker of the House of Representatives.

An Ordinance to prolong the time of the sitting of the Court of Common Pleas, next November, at Cambridge; and to oblige Sheriffs and Gaolers of the several counties, where courts are held, to receive any prisoners which may be committed to their charge.

WHEREAS from the increase of the business and suits pending in the Court of Common Pleas, in the district of Ninety-Six, it is become necessary to prolong the time for holding that court;

I. BE IT ORDAINED by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Judge who shall preside in the Courts of General Sessions and Common Pleas, at Cambridge, next November, shall and may, and he is hereby authorised and empowered to hold the said courts, and to adjourn *de-die in diem*, until the business of the said courts shall be completed: Provided nevertheless, That the said sitting shall not exceed a longer time than twenty-two court days.

II. And be it further ordained by the authority aforesaid, That any one of the Judges of the next April court may draw as many several juries as shall be thought wanting, to try all such causes as shall be at issue in November next, at Cambridge: and to make such other arrangements for the expediting the said business, as he, in his discretion, shall think proper: Provided that no jury shall be detained longer than one week at the said courts, unless such jury shall not have agreed on their verdict.

III. And be it further ordained by the authority aforesaid, That each and every sheriff and gaoler (to whom the custody of any district or county gaol within this state has been or shall be committed) is hereby authorised and required to receive into and safely keep in such his gaol, until delivered by due course of law, any person or persons who shall be committed thereto by a warrant signed by any judge or justice of the United States, or of any state, under the penalty for such refusal of fine or imprisonment, or both, as may appear proper in the discretion of the court.

In the Senate House, January 20, A. D. 1790, and in the 14th year of the Independence of the United States of America.

DANIEL DESAUSSEURE,

President of the Senate.

JACOB READ,

Speaker of the House of Representatives.

An

An Ordinance to oblige all the male inhabitants, from the age of sixteen to fifty years, residing within twenty miles of Blackmingo ferry, (who use Blackmingo creek, to send their crops to market), to work on, and lay open the navigation of Blackmingo creek, from its confluence with Black-river, to Blackmingo bridge, and for appointing commissioners for carrying the same into execution.

WHHEREAS many of the inhabitants residing in the neighbourhood of Blackmingo, in the district of Georgetown, have laboured under many and great inconveniences, by reason of the said creek being very much obstructed by the many logs and trees falling therein, in different places, and owing to said obstructions, the vessels which use the same, asking exorbitant freights for carrying said inhabitants produce to market;

I. Be it therefore Ordained by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the male inhabitants, from the age of sixteen to fifty years, residing within twenty miles of Blackmingo ferry, who make use of the said creek to send their crops to market, (the commissioners hereafter named to be judges thereof,) shall be liable to work on and clear the said creek from obstructions, and to open the navigation thereof, from the confluence with Blackmingo to Blackmingo bridge, but shall not be compelled to work on the same for a longer time than six days in every year.

II. And be it further ordained by the authority aforesaid, That Captain Anthony White, Patrick Dollard, Esquire, and James Zuill, of Blackmingo ferry, be and they are hereby appointed commissioners for carrying this ordinance into execution; and that the said commissioners, or a majority of them, shall have the same powers and authority for opening the said navigation as any commissioners of high roads and public paths in any part of this state are vested; any law, usage or custom to the contrary notwithstanding.

In the Senate House, January 20th, A. D. 1790, and in the 14th year of the Independence of the United States of America.

DANIEL DESAUSSEURE,

President of the Senate.

JACOB READ,

Speaker of the House of Representatives.



An Ordinance prescribing on the part of this State, the times, places, and manner of holding elections for Representatives in Congress.

IN order to carry into effect, on the part of this state, the Constitution for the United States of America;

I. Be it ordained by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same, That the elections in this state, for members of the house of representatives in the Congress of the United States, shall be had in the manner following, that is to say, this state shall be and is hereby declared to be divided into five districts, of which Charlestowⁿ shall form one, Beaufort and Orangeburgh districts united another, Georgetown and Cheraw districts another, Camden district another, and Ninety-Six district another; and each of the said districts shall send one member from this state to the house of representatives in the congress of the United States, to be chosen by the persons qualified to vote for members of the house of representatives of this state; and the said elections shall be holden on the second Monday in October next, and the day following, and regulated and conducted in the same manner as the elections for members of the house of representatives of this state; and the persons who, at the said elections, shall have the greatest number of votes, in the district of Charlestowⁿ; and the person who shall have the greatest number of votes in the united districts of Beaufort and Orangeburgh; and the person who shall have the greatest number of votes in the united districts of Georgetown and Cheraw; and the person who shall have the greatest number of votes in Camden district; and the person who shall have the greatest number of votes in the district of Ninety-Six, shall be members from this state to the house of representatives in the Congress of the United States.

Provided nevertheless, That no person shall have a right to vote at more than one place in each district, under the pain of forfeiting the sum of ten pounds for every vote after the first, to be recovered by action of debt in any court of record, by any person who will sue for the same.

And provided also, That such of the voters forming the militia regiment commanded by lieutenant-colonel Phife^{ton} Waters, between Broad and Saluda-rivers, as lie within the district of Orangeburgh, shall in future vote at the place of election appointed for electing members for the district of Saxe-Gotha, instead of voting at the Dutch church, with the remainder of the regiment lying within Ninety-Six district.

II. And be it further ordained by the authority aforesaid, That the officers or persons by whom each of the said elections shall be conducted at the different places of election (and who shall be the same persons who shall conduct the elections for members of the legislature) shall make a true return within 20 days thereafter to the governor or commander in chief of this state, of the persons voting, and of the names of the candidates or persons voted for at the said election, and of the number of votes for each of the said persons; and that on the first day of November next, at ten o'clock in the forenoon, the governor shall cause the said returns to be examined in a public manner, and ascertain the number of votes given at the said election, for every person, and what five persons have respectively the greatest number of votes in the said districts: and having ascertained who are the said five persons duly elected in manner aforesaid to be members of the house of representatives of the United States, the governor or commander in chief, for the time being, shall cause the same to be immediately notified by proclamation, and notice of such election to be given to each member; and that the governor or commander in chief, shall deposit the original poll of each district in the secretary's office of this state.

III. And be it further ordained by the authority aforesaid, That if the same person shall be returned for two or more districts, he shall chuse within 20 days If a person be returned for more districts

Manner of holding elections.

Officers conducting elections to make a return to the Governor &c.

Governor to cause returns to be examined, &c.

than one, to chuse for which he will serve; and on his making such choice, or neglecting so to do within the said term, the governor or commander in chief for the time being, shall direct another election to be held within twenty days thereafter, for the district or districts, to be conducted and regulated in like manner as before prescribed; and the governor or commander in chief shall proceed in the same manner where the member elected in any of the said five districts, shall refuse to serve, or omits to signify to the governor or commander in chief, his intention of serving within 20 days after he has received the notice of his election; and in case of the death of any person elected, or if his seat should be vacated by any other means, or if two or more persons shall have equal votes for any district, the governor shall order a new election, as the case may require, to be conducted as near as may be, in the manner before prescribed. Provided nevertheless, That when any person who may be elected for any of the five districts, shall be without the limits of this state, he shall be allowed fifty days to signify to the governor or commander in chief his intention to accept or decline a seat in the house of representatives of the United States under such election.

On refusal to serve, &c. go-
vernor to or-
der new elec-
tion &c.

Provided

20 days after due notice shall be given him thereof, for which district he will serve; and on his making such choice, or neglecting so to do within the said term, the governor or commander in chief for the time being, shall direct another election to be held within twenty days thereafter, for the district or districts, to be conducted and regulated in like manner as before prescribed; and the governor or commander in chief shall proceed in the same manner where the member elected in any of the said five districts, shall refuse to serve, or omits to signify to the governor or commander in chief, his intention of serving within 20 days after he has received the notice of his election; and in case of the death of any person elected, or if his seat should be vacated by any other means, or if two or more persons shall have equal votes for any district, the governor shall order a new election, as the case may require, to be conducted as near as may be, in the manner before prescribed. Provided nevertheless, That when any person who may be elected for any of the five districts, shall be without the limits of this state, he shall be allowed fifty days to signify to the governor or commander in chief his intention to accept or decline a seat in the house of representatives of the United States under such election.

In the Senate House, January 20th, A. D. 1790, and in the 14th year of the Independence of the United States of America.

DANIEL DESAUSSEUR,
President of the Senate.

JACOB READ,
Speaker of the House of Representatives.

9:1:150